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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,904	09/24/2003	Steven J. Harrington	D/A2455	5767
37211	7590	07/07/2006	EXAMINER	
BASCH & NICKERSON LLP 1777 PENFIELD ROAD PENFIELD, NY 14526				TRAN, TUYETLIEN T
ART UNIT		PAPER NUMBER		
				2179

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/669,904	HARRINGTON, STEVEN J.
	Examiner	Art Unit
	Tuyetlien T. Tran	2193

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-46 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the following informalities: claim 12 is a duplicate of claim 10. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Appropriate correction is required.

2. Claim 25 is objected to because the claim does not end with a period (see MPEP 608.01(m) - each claim begins with a capital letter and ends with a period). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-37, 39-43, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Mander et al. (Patent No. 6,243,724 B1, hereinafter Mander).

As to claim 1, Mander teaches:

A method for clustering icons into a virtual pile (method for organizing information in a computer system, see col. 2, lines 63-64), comprising:

- a) identifying (moving the cursor over, see col. 3, lines 9-10) a first icon (another graphical representation of another document, see col. 3, lines 9-12. Note that graphical representations are defined as icons, see col. 3, lines 2-3) to represent the said virtual pile (a pile, col. 3, line 12);
- b) selecting (selecting, see col. 3, lines 6-8) another icon (one graphical representation of a document, see col. 3, lines 6-8) to be placed onto said virtual pile (a pile, col. 3, line 12);
- c) indicating (depositing, see col. 3, lines 10-11) that said selected icon (the first document, note that the first document is represented by an icon, see col. 3, lines 10-12) is to be added to said virtual pile (a pile, col. 3, line 12);
- d) modifying (displaying, see col. 3, lines 12-17) said first icon at least once to indicate a pile thereunder (note that an icon of a pile is displayed which is different than the icon of the first icon, see col. 3, lines 12-17) ;
and
- e) repeating (b-d) until done (note that icons can be added to the existing pile, see col. 7, lines 35-40).

As to claim 27, Mander teaches:

A method for enabling the removal of icons (removing multiple items, see e.g., col. 16, line 56) from a virtual pile (from a pile, see e.g., col. 16, lines 56-57) comprising:

- a) identifying (positioning the cursor 351, see figure 10a or col. 16, lines 60-64) a virtual pile (a pile as shown in figure 10a);
- b) selecting (depresses the mouse's button to signal a selection, see col. 16, lines 64-66) at least one element (document; note that more than one elements can be selected, see col. 16, lines 65-68) in said pile (a pile as shown in figure 10a);
- c) providing an icon for said selected element (note that when the selected element is removed from a pile, the selected element will be displayed as an upright non-inclined icon as in stage 407, see figure 10a or col. 17, lines 15-19);
- d) modifying (changes in height, see col. 7, lines 35-40) said virtual pile to indicate the removal of the element (note that a pile decreases in height when an element is removed from the pile, see e.g., col. 7, lines 35-40).

As to claim 2, Mander teaches further comprising subsequent icons disappearing at least in part from view upon placement on said pile (note that upon placement an icon onto a pile, the icon will no longer be displayed separately, see col. 3, lines 12-15).

As to claim 3, Mander teaches further comprising subsequent icons changing in appearance to represent being part of said virtual pile upon placement on said pile (note that upon placement an icon onto a pile, a side-ways view of the icon replaces the original one, see col. 3, lines 17-21).

As to claim 4, Mander teaches upon release of subsequent icons onto said pile, further indicating that another icon was successfully added thereto (note that the said pile increases in height when subsequent icons are added onto a pile, see col. 7, lines 35-40).

As to claim 6, Mander teaches wherein said further indication that another icon was successfully added thereto, displaying at least one graphic (window 601, Fig. 14. Note that the window can be displayed by adding an icon to a pile, see col. 22, lines 4-7).

As to claim 7, Mander teaches upon identification of said first icon, selecting said first icon (select two documents, see e.g., col. 9, lines 30-33. Note it is not disclosed that two icons must being selected to start a pile) as a start of the virtual pile (Mander also teaches that a sample document is selected to start a pile, see e.g., col. 28, lines 42-45).

As to claim 8, Mander teaches further modifying said first icon so as to indicate that it now represents a virtual pile (note that upon selecting a command for creating a new pile, a graphical representation of a pile is displayed, see e.g., col. 9, lines, 30-38).

As to claim 9, Mander teaches wherein said further modifying of said first icon is such that it indicates that it now represents a single element pile (note that the graphical representation of a pile reflects the number of elements in it, see e.g., col. 7, lines 35-40).

As to claim 10, Mander teaches the modification of said first icon further comprising providing a number representative of the total elements piled thereunder (a number

representative of the total elements in a pile is monitored; e.g., when an icon is added to a pile, the total number of elements will be increased by one, see col. 7, lines 35-40. Evidently, when a pile is opened in exploded view, a new window will list all the elements pile thereunder, see Fig. 8b, item 321).

As to claim 12, this claim is a duplicate of claim 10. Thus, claim 12 is analyzed as previously discussed with respect to claim 10 above.

As to claim 11, Mander teaches the modification of said first icon further comprising tagging said first icon (each document in the pile, see col. 7, lines 1-3. Note that an element can be added to a pile at any location, see col. 18, lines 50-55) with miniature renditions (miniature of the first page see col. 7, lines 1-3) of at least one of the elements piled (documents in the pile, see col. 7, lines 1-3) thereunder.

As to claim 13, Mander teaches the modification of said first icon further comprising providing information (system information, see col. 11, lines 33-35) as to the type of elements piled (MacWrite II document, see Fig. 4e, item 190) thereunder.

As to claim 14, Mander teaches wherein modification of said first icon further comprises changing said first icon's label (my new pile, see Fig. 4e. Note that as a pile is created the system can automatically change name of the first icon to label a name for a pile, see col. 11, lines 49-53).

As to claim 15, Mander teaches wherein changing of said first icon's label comprises adding at least one character thereto or subtracting at least one character therefrom (note that the method allows a user to choose any names for a pile, see col. 11, lines 49-52).

As to claim 16, Mander teaches wherein modification of said first icon (top icon of the pile, 63 and 65 in Fig. 2e. Note that an element can be added to a pile at any location, see col. 18, lines 50-55) further comprises associating a graphic therewith for at least one element piled thereunder (note icons are stacked graphical representation 66 and 68 respectively, see col. 7, lines 52-55).

As to claim 17, Mander teaches wherein said associated graphics vary as to distinguish elements piled thereunder (see Fig. 2e, pile 63. note that icons in the pile 63 graphically represent the collection of various different documents, see col. 7, lines 54-58).

As to claim 18, Mander teaches wherein said associated graphics comprise line segments (see Fig. 2a – additionally illustrated below) which vary in at least one of length (see Fig. 4a – additionally illustrated below. Note the third element from the top down appears to be shorter in length), thickness (see Fig. 2b, note that the bottom icon in the stack is thicker than other icon), alignment (disheveled, see Fig. 2b or col. 7, lines 12-15), color (see col. 7, lines 60-62), or pattern (texture, see col. 7, lines 60-53).

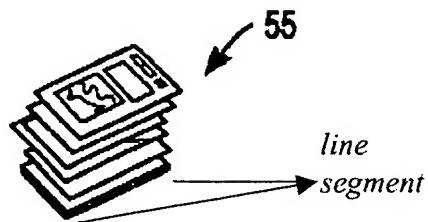


FIG. 2b

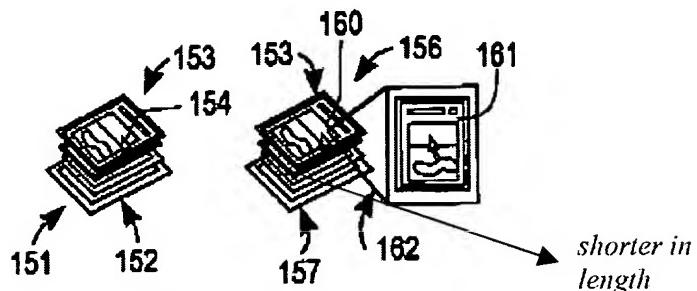


FIG. 4a

As to claim 19, Mander teaches further displaying balloon boxes (view cone 190, see Fig. 4e) providing additional information as to the elements in the pile (note that the balloon box displays information such as title of the element, see col. 11, lines 33-36).

As to claim 20, Mander teaches further identifying documents thereunder (note the balloon boxes – proxy - also displays the first page miniature of the selected element, see col. 11, lines 25-30).

As to claim 21, Mander teaches on a mouse passing over or being placed on or in proximity to said pile (the cursor 231 is placed over the pile 224, see Fig. 6 or col. 14, lines 30-32), further initiating a mouse-over event (highlighting; note when a mouse is over a pile,

the pile will be highlighted indicating a mouse-over event has been initiated, see col. 14, lines 30-34).

As to claim 22, Mander teaches on said mouse-over event, further providing information regarding the virtual pile (note browsing method allows a user to get information regarding the pile by moving the mouse up and down though the pile, see col. 11, lines 3-10).

As to claim 23, Mander teaches on said mouse-over event, further providing information (proxy 175, Fig. 4c) regarding at least one element in the pile (note that the proxy is defined as a miniature of the element, see col. 11, lines 28-29).

As to claim 24, Mander teaches on said mouse-over event, further opening at least one element in the pile (note that the user can open the content of the element by browsing through the proxy, see col. 11, lines 64-68).

As to claim 25, Mander teaches on said mouse-over event further initiating at least one of: text (gesture annotation, see Fig. 4e, item 190), sound (see col. 11, lines 8-12), images (see Fig. 4c, item 175), sequences (see Fig. 22e, item 2238), or display (note that on a mouse-over event, the proxy of an element is displayed next to the pile, see col. 13, lines 42-44)

As to claim 26, Mander teaches wherein said indicating that a selected icon is to be added comprises

a) dragging (moving an icon , see col. 14, lines 25-28. Note that moving an icon is defined as dragging an icon in col. 8, lines 49-52) said selected icon (document 230, see Fig. 6 or col. 14, lines 26-28) into close proximity (over the pile, see col. 14, lines 27-31) of said virtual pile (the pile 224, see Fig. 6 or col. 14, lines 27-31);

and

b) releasing (releasing the mouse's button, see col. 14, lines 35-40) said selected icon (document 230, see Fig. 6) onto said virtual pile (the pile 224, see Fig. 6) .

As to claim 29, Mander teaches wherein said providing an icon for said selected element comprises creating a new iconic representation therefor (note that after the selected element is removed from a pile, the selected element will be displayed in its upright orientation, see e.g., col. 16, lines 35-40).

As to claim 28, Mander teaches wherein said providing an icon for said selected element comprises restoring the original iconic representation thereof (note that the removed element will be reverted to its upright non-inclined icon, see Fig. 10a, stage 407 or col. 17, lines 15-19).

As to claim 37, Mander teaches said removal being responsive to a computer system initiated event (note that the user can use mouse event to remove items from a pile, see col. 17, lines 20-27).

As to claim 32, Mander teaches wherein the removal of elements from said pile is done responsive to a mouse-over event (the user begins the removal operation by positioning the cursor over, see col. 16, lines 60-65).

As to claim 30, Mander teaches wherein the removal of elements from said pile is done by a drag-and-drop action (step 1029, see Fig. 21 Continued. Note in step 1029, the user can removes elements by dragging them out of the pile, see col. 35, lines 42-44).

As to claim 31, Mander teaches upon removal of all elements (multiple elements can be removed from a pile, see col. 17, lines 20-23) previously added to the pile, further restoring the original representation of said first icon (note that removed elements will be reverted to their original icon including first icon, see Fig. 10b, stage 407 or col. 17, lines 15-19).

As to claim 33, Mander teaches on said mouse-over event further providing an exploded view (item 330, Fig. 8d) of all elements in the pile (note that users can obtains an exploded view of all elements in the pile by moving the cursor back and forth across the pile 326, see col. 16, lines 8-18).

As to claim 34, Mander teaches on said mouse-over event removing all elements from the pile (note multiple elements can be removed from the pile, see col. 17, lines 20-27).

As to claim 36, Mander teaches upon removal of elements from the pile, creating a new iconic representation for at least one removed element (note that the removed elements will be reverted to its upright non-inclined icon, see Fig. 10a, stage 407). .

As to claim 35, Mander teaches upon removal of elements from the pile, further restoring at least one removed element's original iconic representation (note that the removed elements will be reverted to its upright non-inclined icon, see Fig. 10b, stage 407).

As to claim 39, Mander teaches wherein the modifying of said virtual pile includes the modification of its icon (see Fig. 9a. Note that the pile no longer shows the line segment that represents the removed element).

As to claim 40, Mander teaches wherein the selecting of said virtual pile is done by selection of its icon with a pointing device (cursor, see col. 7, lines 38-40).

As to claim 41, Mander teaches wherein the selecting of an element contained within said virtual pile is done by selecting the element indicated by a mouse-over event (positioning the cursor over the icon in the pile, see col. 7, lines 38-40).

As to claim 42, Mander teaches wherein the icon created for said selected element matches the icon the element had prior to being added to the virtual pile (note the icon of the element 105 only changes from upright view to side-way view before and after it being added to a pile, see Fig. 3. Later note the icon of the element 355 revert to its original upright view after being removed from a pile, see Fig. 9a).

As to claim 43, Mander teaches wherein the modification of the virtual pile includes no longer indicating the element as a member of the pile (note that as the element 355 is being moved away from a pile, the exploded view of the pile no longer contains element 355, see Fig. 9b).

As to claim 46, Mander teaches said removal initiating a computer event (note the computer system triggers an event that cause the removed element to its upright view as shown in stage 407, Fig. 10b or col. 17, lines 15-19).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mander in view of Gordon et. al. (book title "Using Microsoft OFFICE Outlook 2000", ISBN: 0789719096, Indianapolis, Ind. Que, 1999; hereinafter Gordon).

As to claim 5, Mander teaches the limitation of claim 1 for the reasons above. Mander fail to teach that at least one sound is displayed when a icon is added to a pile successfully.

Gordon teaches wherein said further indication that another icon (new items, Fig. 27.3, second frame, pp. 535) was successfully added (arrive, Fig. 27.3, second frame, pp. 535. As well known in the art at the time the invention was made, when a new item arrives, it is added to the MICROSOFT OUTLOOK inbox folder) thereto, playing at least one sound (play a sound check box, Fig. 27.3, second frame, pp. 535).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the method of displaying a sound when an item is added to an email inbox as taught by Gordon to the method of playing a sound as taught by Mander to alert the user that some element has just been added to a folder or a pile (see Fig. 27.3, second frame, pp. 535).

7. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mander in view of Mander et. al. (article title "A "Pile" Metaphor for Supporting Casual Organization of Information", 1992; hereinafter Mander).

As to claim 45, Mander teaches the limitation of claim 27 for the reasons above. Mander also teaches that email documents can be added to a pile through email system (see col. 8, lines 13-16 and 24-27). Mander further teaches that through email program, email documents can be classified into piles and subpiles (note classification includes removing, adding, and moving, see col. 8, lines 27-32). Mander does not clearly teach that removal of elements from a pile initiates an email event.

Mander in his published article teaches said removal (removal an item from 'other' pile to 'important' pile in an email program, see Fig. 3a, pp. 630) initiating an email event

(note that after the removed element is lifted from the 'other' pile, the email program causes the 'other' pile to show the next icon in the pile, see Fig. 3b, pp. 630).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the method of initiating an email event when removal of items from a pile occurs as taught by Mander in his published article to the method of organizing information in a computer system as taught by Mander in his patent application to quickly and informally manage information especially in email system (see Mander in his published article, pp. 627, col. 1, lines 2-6).

8. Claim 38 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mander in view of Symantec pcAnywhere ("Symantec pcAnywhere User's Guide", Copyright 1995-2002 Symantec Corporation; hereinafter Symantec).

As to claim 38, Mander teaches the limitation of claim 27 for the reasons above. Mander also teaches that documents can be added to a pile over a network (see col. 8, lines 13-16). Mander further teaches that said removal being responsive to a computer system initiated event for the reasons as discussed regarding claim 37 above. However, Mander fail to teach that removal of elements from a pile is responsive to a network initiated event.

Symantec teaches said removal (copy, move, and delete files or folder on remote computers, see pp. 77, lines 2-5) being responsive to a network initiated event (remote control technology, pp. 12, lines 17-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the method of remotely access to another computer through network as taught by Symantec to the method of organizing information in a computer system as taught by Mander to perform works virtually through network (see Symantec pp. 12, lines 11-15).

As to claim 44, Mander teaches the limitation of claim 27 for the reasons above. Mander further teaches that said removal initiating a computer event for the reasons as discussed regarding claim 46 above. However, Mander fails to teach that removal elements from a pile initiates a network event.

Symantec teaches said removal (copy, move, and delete files or folder on remote computers, see pp. 77, lines 2-5) initiating a network event (remote control technology, pp. 12, lines 17-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the method of remotely access to another computer through network as taught by Symantec to the method of organizing information in a computer system as taught by Mander for the same reasons as discussed regarding claim 38 above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent No. US 6,262,732 B1 recites a multi-page document depicted by a representation of a stack of pages.

Patent No. 5,835,094 recites a method for displaying information about computer files to a user on a display.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyetlien T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh D. Nguyen can be reached on 571-272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.T
6/23/06

Lien Tran
Examiner
Art Unit 2193


CHANH NGUYEN
PRIMARY EXAMINER